

BOARD OF POLICE COMMISSIONERS

Minutes of the Regular Board of Police Commissioners Meeting Tuesday, November 9, 2004

The regular meeting of the Detroit Board of Police Commissioners was held on Tuesday, November 9, 2004, at 6:30 p.m., at the Brightmoor Community Center, located at 14451 Burt Road, Detroit, Michigan 48223.

ATTENDANCE

Board Members Present

Arthur Blackwell, II
Erminia Ramirez
Jim Holley
Megan Norris **(ABS)**
Willie Hampton **(ABS)**

Department Personnel Present

Chief Ella M. Bully-Cummings
AC Walter Shoulders
DC Craig Schwartz
Cmdr. Ralph Godbee
Cmdr. Walter Martin
Cmdr. John Danclovic
Cmdr. Sherice Flemming Freeman
Cmdr. Herbert Moreland
Cmdr. Richard Shelby
Cmdr. Jesse Banks
Cmdr. Andrea Jackson
Cmdr. Stacey Brackens
Insp. Janice Butler
Insp. Jamie Fields
Insp. Nick Kyriacou
Insp. Leslie Montgomery
Insp. Daniel O'Neill
Insp. William Rice
Insp. Greg Plummer
Insp. Rick McCarty
Insp. Marshall Lyons
Insp. Michael Lee
Insp. Linda White
Lt. James Elliot
Lt. Karen Frabotta
Lt. Hope Facenberry
Lt. Oswald Hudson
Lt. John Serda
Sgt. Debbie Jackson
Sgt. Anthony Topp
Sgt. Romell Alexander

Sgt. Randall Hampton
Sgt. Diane Bonners
Sgt. Kevin D. Miller
Sgt. Lillian Cunningham
PO Dave Kline
PO Curtis Shell
PO Mike Woody
PO Curtis Rhodes
PO Brian Gadwell
PO Mark Ford
PO Linda Whitfield
PO Brian Lawrence
PO Johnathan Bibbs
PO Earline Martin
2nd DC James Tate
2nd DC Deborah Robinson
Atty. Nancy Ninowski

Board Staff Present

Dante' L. Goss, Executive Director
E. Lynise Bryant-Weekes, Personnel Director
Denise R. Hooks, Attorney/Supervising Inv. **(ABS)**
Arnold Sheard, Interim Chief Investigator
Ainsley Cromwell, Supervising Investigator
Police Officer Kent Cooper, OCI

OTHERS PRESENT

Ika LaPeer	Sandy Norris	Katy Rowk
Sherie Williams	William Jones	Nate Cunningham
Fred Walker	Ed Smith	Marcia Evans
Barbara Touzeau	Tim Touzea	Narissa Guthrie
Jesse Sharp	C. Boykin	Brenda Foster
Barb Hudson	Elias Gateworth	Melvin Suth
Delores Butler	Everett Richardson, Jr.	Dennis Martin
Thomas Wilson, Jr.	Angy Webb	Paula Trilety
Beverly Hilton	V. Glenn	Felisa Goldsmith
Tawana Morris	Carolyn Chambers	Sheryl Robinson
Sheryl Woods	Triette Reeves	

RECORDERS

Jerome Adams

1. **CALL TO ORDER**

Chairperson Blackwell called the regular meeting of the Detroit Board of Police Commissioners to order at 7:08 p.m.

Comm. Holley read the duties and responsibilities of the Board of Police Commissioners.

2. **APPROVAL OF MINUTES**

♦ **Thursday, November 4, 2004**

MOTION: **Comm. Blackwell** made the motion to approve the above Minutes.

SECOND: **Comm. Ramirez** seconded the motion.

VOTE: All in attendance voted in the affirmative.

3. **REPORT FROM THE CHAIR**

Chairperson Blackwell thanked Chief Bully-Cummings for a successful campaign in regards to the passing of the proposals. Comm. Blackwell also introduced Ms. Sheryl Robinson, who is the independent monitor for the Detroit Police Department and Ms. Sherry Woods.

EXECUTIVE APPOINTMENTS

November 2, 2004

Board of Police Commissioners
City of Detroit
1300 Beaubien, Suite 328
Detroit, Michigan 48226

**SUBJECT: RECOMMENDATION FOR EXECUTIVE APPOINTMENTS TO
THE RANKS OF ASSISTANT CHIEF AND COMMANDER**

Dear Board Members:

This letter serves as a recommendation for executive appointments to the ranks of Assistant Chief (Investigations Portfolio) and Commander (Chief of Staff position). As you are aware, Assistant Chief Harold N. Cureton's retirement became effective November 2, 2004. Ensuring that leadership is maintained—particularly at the senior management level—is crucial to the ability to ensure the concerns of the community remain at the forefront of our endeavors and are addressed accordingly.

I have selected Commander Walter J. Martin to replace Assistant Chief Cureton. Commander Martin's performance exemplifies his stern commitment to the citizens and the Detroit Police Department; and, he possesses those qualities needed to increase and maintain the effectiveness and efficiency of the operations under the Investigations Portfolio.

I am requesting your consideration and concurrence on November 4, 2004, with an effective date of November 8, 2004, for both appointments.

[To the Rank of Assistant Chief](#)

COMMANDER WALTER J. MARTIN:

Commander Walter J. Martin was appointed to the Detroit Police Department on January 23, 1978. After graduating from the Detroit Metropolitan Police Academy, he was assigned to the East Side Mini-Station Administration Unit. Police Officer Martin was assigned to walk a beat in high crime areas located in the Fifth & Ninth Precincts.

In October of 1979, Officer Martin was laid off from the Detroit Police Department. From 1980 to 1982, Officer Martin was hired by the Detroit Board of Education as a regular *Emergency Substitute Teacher* at the Nolan Middle School.

In April of 1982, Officer Martin was hired by the Toledo Police Department and was assigned to their Patrol Division. In 1983, Officer Martin was assigned to their Vice/Drug Unit, as a "*Detective.*" Detective Martin worked as an undercover officer making narcotic purchases, entering *after-hour* establishments, and conducting decoy operations. Detective Martin was instrumental in padlocking several *after-hour* establishments and drug locations in the city of Toledo.

In May 1985, Officer Martin was recalled to the Detroit Police Department and assigned to the Tactical Services Section. In November of 1985, Officer Martin was transferred to the Internal Affairs Section, Intelligence Unit.

On August 18, 1988, he was promoted to the rank of Sergeant. Sergeant Martin remained at the Internal Affairs Section where he was often assigned as the lead investigator on high profile investigations regarding police corruption. As a sergeant, he also worked at the Reserves Unit and the Public Information Section. Due to his investigative experience, he was returned to the Internal Affairs Section as the Officer In Charge of the Public Corruption Unit.

In August 2002, Sergeant Martin was promoted to the rank of Lieutenant. As a lieutenant, he served as the Administrative Lieutenant at the Thirteenth, First, and Third Precincts.

Prior to his appointment to Inspector in March of 2003, while serving as the Assistant Chief—Administrative Portfolio, I selected him to serve full time as the *“Project Manager for the New Police Headquarters.”* Inspector Martin worked closely with potential developers, architects, and the Mayor’s Office in developing programs that outlined space requirements for the entire department, technology needs, and budget requirements for the project.

The Inspector was appointed to the rank of Commander on April 19, 2004. He currently serves as the *“Executive Staff Officer”* for the Office of the Chief of Police—a Deputy Chief’s position. Some of Commander Martin’s responsibilities include(d): Managing major projects for the Chief of Police; City-Council Liaison; Core Team Representative for the 2004 Promotional Examination; Human Resource Committee-Major Cities Chiefs; liaison for the Detroit Police Foundation. Commander Martin successfully organized and implemented such resourceful projects as the Bureau Supplemental Operations Detail, *Breakfast with the Chief*, reformatted the Department’s Computer Statistics forums—also known as CompStat, and developed the Investigative Operations Division. The Commander has been an asset to moving the Department forward with the implementation of these vital projects and programs.

Commander Martin received his Bachelor of Arts in Political Science, from Oakland University in 1977. He is a June 1990 graduate of the Northwestern University School of Police Staff and Command. He has taken continued education courses at Oakland University in the area of Financial Planning.

Commander Martin is the recipient of several awards from the Police Department: Eight (8) Perfect Attendance Awards (1995-2003); Chief’s Citation (1992); Meritorious Service Award (1992); Chief’s Unit Award (1987); Two (2) Commendations in 1978; and a host of letters from citizens and businesses.

Commander Martin has served in leadership roles outside the department in the following capacities: former Athletic Director of St. Jude Catholic School; former Boys Junior Varsity Basketball Head Coach, Renaissance High School; former Girls Varsity Basketball Head Coach, Commerce High School; member of

the Omega Psi Phi Fraternity, Nu Omega Chapter, Detroit Michigan; former President, DaVero Condo Association; 1999-2001 Wayne County Community College, Women's Basketball Assistant Coach; and currently an appointed (3-year term) board member of the State Supreme Court, Administrative Wayne County Foster Care Review Board #1.

Commander Martin has clearly demonstrated his commitment to the citizens of this great city and that he is capable of successfully functioning in a higher capacity. He shows no hesitation when directed to work with the community to address their concerns and include them in much of our planning. His investigative background makes him a prime candidate for the position of Assistant Chief-Investigations Portfolio. His 26 years of law enforcement includes 18 years of investigative work and varied experience in the areas of patrol, covert operations, specialized operations, administrative and educational fields.

I am requesting your concurrence to appoint Commander Walter J. Martin to the rank of Assistant Chief.

MOTION: **Comm. Holley** made the motion to approve the Executive Appointment to the rank of Assistant Chief.

SECOND: **Comm. Ramirez** seconded the motion.

VOTE: All in attendance voted in the affirmative

[To the Rank of Commander](#)

INSPECTOR JANICE BUTLER:

Inspector Janice Butler, who has served as my Chief of Staff since February 23, 2004, is recommended for appointment to the rank of Commander. The position of Chief of Staff is performed by one holding the rank of Commander.

Inspector Butler was appointed to the Detroit Police Department on April 6, 1987. After graduating from the Metropolitan Detroit Police Academy, she was assigned to the First Precinct—Special Operations Section as a patrol officer. As a police officer, she also worked at the Narcotics Enforcement Section, the Eleventh Precinct, the Detroit Police Athletic League and the Executive Protection Unit. Her role and responsibilities varied from patrol functions to administrative duties, including budget preparation, program organization and coordination, proposal writing, business liaison, and computer systems administration.

On October 3, 1995, she was promoted to the rank of Sergeant. As a sergeant, she was assigned to the Crime Prevention Section, the Public Information Section, Office of the Chief of Police, Eighth Precinct, Western Operations Bureau and the Metropolitan Division, under my direct tutelage at each of these assignments.

On December 22, 1999, she was promoted to the rank of Lieutenant. As a lieutenant, she was assigned to the Office of the Chief of Police, Planning and Inspection Unit, and the Public Information Section.

On July 18, 2002, she was promoted to the rank of Inspector. As an inspector, she was the commanding officer of Executive Development/ Success Planning (EDSP), the Civil Rights Integrity Bureau's (CRIB) Audit Team and Chief of Staff for the Chief of Police. Inspector Butler developed the first ever program for the department to identify potential leaders within the organization and provide them with training to develop their skills as managers and leaders—through the EDSP model. Because of her excellent analytical and organizational skills, Inspector Butler was assigned to develop and lead the CRIB Audit Team. She developed an Audit Protocol that is being utilized as a guide to conduct audits required by both consent judgments. Inspector Butler currently serves as the Chief of Staff and is responsible for the day to day operations of the Office of the Chief and Assistant Chiefs of Police.

After being decorated as the first Black, female valedictorian of her high school class (Camden County High School/St. Marys, Georgia), Inspector Butler continued her education. She attended Tuskegee Institute, majoring in Pre-Law; Wayne State University, majoring in Electrical Engineering; Cambridge Business School, majoring in Junior Accounting; the University of Phoenix—majoring in Business Administration. She is a June 2001 graduate of the Eastern Michigan University School of Police Staff and command, graduating third in her class.

Inspector Butler is the recipient of several Department awards: Nine (9) years of Perfect Attendance; Three (3) Chief's Citation and Medals; Two (2) Chief's Unit Awards; Two (2) Accident Free Driving Awards; and many letters of commendations from citizens and businesses.

Inspector Butler has clearly demonstrated her commitment to the citizens of Detroit and has proven her ability to perform in a higher position. I am asking your permission to appoint Inspector Janice Butler to the rank of Commander.

MOTION: **Comm. Holley** made the motion to approve the Executive Appointment to the rank of Commander.

SECOND: **Comm. Ramirez** seconded the motion.

VOTE: All in attendance voted in the affirmative.

Should you have any questions or concerns, I am available at your convenience.

Sincerely,

/s/ELLA M. BULLY-CUMMINGS
Chief of Police

EMB-C:jyb

Enclosure: Resumes

Chairperson Blackwell asked Chief Bully-Cummings if she would give comments relative to the promotions?

Chief Bully-Cummings thanked the Board for concurring on my recommendations. And, I heard kind of a sound in the room when it was announced that Cmdr. Martin is being appointed to the rank of Assistant Chief because I did in fact skip a rank of Deputy Chief. That is because Assistant Chief Martin possesses the skills with dedication and commitment to move this department forward. He has worked hand in hand with me, ever since I have been the Chief. We have pulled together a program and an initiative to move the Department forward. He has the background and he has a very high level of professionalism. I think he will make an excellent Assistant Chief.

Also, Commander Butler has been acting in the position of Commander for the Office of the Chief Police and Staff. She has done a tremendous job and she has worked in that position for close to a year. (Inaudible)

RESOLUTION HONORING MS. ILKA LAPEER

WHEREAS Ms. Ilka LaPeer is a resident and community leader in the city of Detroit; and

WHEREAS Ms. LaPeer has been a resident of the Brightmoor Community for 38 years. She serves as the President of the Brightmoor Concerned Citizens Incorporated, and a board member of the Brightmoor Alliance Group; and

WHEREAS Ms. LaPeer serves as the Treasurer of the Sixth Precinct Community Relations Council; and

WHEREAS Ms. LaPeer volunteered for the Hubert (Citizens) Radio Patrol; and

WHEREAS Ms. LaPeer has dedicated countless hours beautifying the community, and has participated in "Paint the Town," "Rouge Rescue Cleanup," and "Clean Sweep;" and

WHEREAS Ms. LaPeer, in addition to all the aforementioned activities, finds time to volunteer for Angel's Night,

NOW, THEREFORE, BE IT

RESOLVED That the Detroit Board of Police Commissioners, speaking for the citizens of the City of Detroit and the Detroit Police Department, acknowledges the generous spirit of Ms. LaPeer. Her unselfishness and dedication to improving the quality of life for all citizens in her community and throughout the city of Detroit merits our highest regards.

We thank and congratulate you, Ms. Ilka LaPeer.

DETROIT BOARD OF POLICE COMMISSIONERS

/s/Arthur Blackwell
Chairperson

/s/Erminia Ramirez
Vice Chairperson

/s/ Megan P. Norris
Commissioner

/s/Jim Holley
Commissioner

/s/Willie Hampton
Commissioner

MOTION: **Comm. Ramirez** made the motion to adopt the Resolution.

SECOND: **Comm. Holley** seconded the motion.

VOTE: All in attendance voted in the affirmative.

Chief Bully-Cummings presented Ms. LaPeer with the Sprit of Detroit Award on behalf of City Council.

Ms. LaPeer thanked everyone.

RESOLUTION HONORING COMMANDER JULIUS C. HIGDON

WHEREAS Julius C. Higdon was appointed to the Detroit Police Department on March 10, 1969; and

WHEREAS Police Officer Higdon's first assignment was the Fourth Precinct, followed by assignments to the Racket Conspiracy Section, the Wayne County Organized Crime Task Force, the Recruiting Section and a special assignment with the Attorney General's Office; and

WHEREAS On October 11, 1974, Officer Higdon was promoted to the rank of Sergeant, and did tour of duties at the Narcotics Section, the Training Section and a special assignment with the Detroit Board of Education, as the Criminal Justice Careers' Program Coordinator; and

WHEREAS On January 13, 1977, Sergeant Higdon was promoted to Lieutenant, and was assigned to such weighty areas as the Vice and License Section, Homicide Section, Vice Section, and the Special Crimes Section, where he also served as Acting Commander; and

WHEREAS On February 14, 1986, Lieutenant Higdon was appointed to the rank of Inspector, and commanded the Special Crimes Section, the Vice Section and the Crimes Against Property Section. He also worked Field Duty Operations and served as the Patrol Inspector at the Ninth and Eleventh Precincts; and

WHEREAS On July 29, 2002, Inspector Higdon was appointed to the rank of Commander, then assigned to the Thirteenth Precinct until November 6, 2003, when he transferred to the First Precinct where he remained until his retirement; and

WHEREAS Commander Higdon is well educated and trained in law enforcement having earned a Master's degree and graduating from the Northwestern University Traffic Institute School of Staff and Command;

WHEREAS Commander Julius C. Higdon retired from the Detroit Police Department on August 3, 2004, after 35 years of dedicated, professional and exemplary service to the citizens of Detroit. He was the recipient of numerous awards and citations, including ten Chief's Merit Awards, a 1980 GOP Commemorative Award, two perfect attendance awards, and numerous letters of appreciation and commendations.

NOW, THEREFORE BE IT

RESOLVED That the Detroit Board of Police Commissioners, speaking for the citizens of Detroit and the Detroit Police Department, acknowledge the outstanding commitment, dedication and loyalty of Commander Julius C. Higdon. His exemplary service merits our highest regard. The Commission wishes Commander Higdon the best of health and happiness in your retirement years.

We salute and congratulate you, Commander Julius C. Higdon.

DETROIT BOARD OF POLICE COMMISSIONERS

/s/Arthur Blackwell
Chairperson

/s/Erminia Ramirez
Vice Chairperson

/s/ Megan P. Norris
Commissioner

/s/Jim Holley
Commissioner

/s/Willie Hampton
Commissioner

MOTION: **Comm. Holley** made the motion to adopt the Resolution.

SECOND: **Comm. Ramirez** seconded the motion.

VOTE: All in attendance voted in the affirmative.

4. SECRETARY'S REPORT – EXEC. DIR. GOSS

SUSPENSION

On November 9, 2004, **Sergeant Patricia Loftis**, Badge S-410, assigned to the Eighth Precinct, IAS #04-174, was suspended **without pay** by Chief of Police Ella M. Bully-Cummings.

On August 9, 2004, the Professional Accountability Bureau, Internal Affairs Section was notified of an allegation of misconduct on the part of Detroit Police Sergeant Patricia Loftis. More specifically, the allegation concerned unauthorized outside employment and excessive use of sick time in relation thereto.

As a result, the Internal Affairs Section initiated an investigation, which revealed the following:

On August 9, 2004, the Office of the Chief of Police forwarded the Internal Affairs Section a preliminary investigation regarding Sergeant Loftis. The preliminary investigation concerned Sergeant Loftis' excessive use of sick time. During the course of the preliminary investigation, it was discovered that Sergeant Loftis was employed by the Transportation Security Administration, located at Detroit Metropolitan Airport, as a Security Screener, Checkpoint Supervisor. Additionally, the preliminary investigation revealed that there was no authorization for outside employment from the Chief of Police. Thus, the preliminary investigation was forwarded to the Internal Affairs Section for further investigation.

The Internal Affairs Section confirmed that Sergeant Loftis was employed by the Transportation Security Administration as a Security Screener, Checkpoint Supervisor, beginning August 2002, to current.

Also, the Internal Affairs Section confirmed with the Office of the Chief of Police that there is no authorization or application for outside employment for Sergeant Loftis for the years 2002, 2003 or 2004.

On September 20, 2004, Sergeant Loftis was interviewed by the Internal Affairs Section, under provisions of Garrity. During the course of the interview, the following was confirmed:

- That Sergeant Loftis has been employed full time with the Transportation Security Administration from August 2002, to current;
- That there was no authorization from the Chief of Police allowing for outside employment;
- That the outside employment exceeded the maximum allowable hours per week, under the rules and regulations of the Detroit Police Department; and
- That until August of 2003, security work was prohibited as a form of outside employment.

As a result of the foregoing, Sergeant Loftis was given a direct order by the commanding officer of the Internal Affairs Section to cease outside employment until proper authorization was received from the Chief of Police.

Thereafter, on September 23, 2004, September 24, 2004, October 15, 2004, and October 18, 2004, Sergeant Loftis was observed by members of the Internal Affairs Section entering the Detroit Metropolitan Airport, wearing a Transportation Security Administration uniform, in violation of the direct order given to her by the commanding officer of the Internal Affairs Section.

On October 26, 2004, Sergeant Loftis was again interviewed by the Internal Affairs Section, under provisions of Garrity. During the course of which, the following was confirmed:

- That Sergeant Loftis understood the direct order given to her on September 20, 2004;
- That Sergeant Loftis worked eight-hour shifts with the Transportation Security Administration on September 23, 2004, September 24, 2004, October 15, 2004, and October 18, 2004, in violation of the September 20, 2004 order; and
- That there was no authorization from the Chief of Police allowing for outside employment.

As a result, Sergeant Loftis was again given a direct order by the commanding officer of the Internal Affairs Section to cease employment until authorization was received from the Chief of Police. Sergeant Loftis acknowledged that she understood the order.

On October 28, 2004, Sergeant Loftis was again observed entering the Detroit Metropolitan Airport in a Transportation Security Administration uniform, in violation of the direct order given to her by the commanding officer of the Internal Affairs Section, on September 20, 2004, and on October 26, 2004. This continued conduct demonstrates blatant disregard for the rank structure of the Detroit Police Department, as well as the rules and regulations thereof.

Sergeant Loftis was appointed to the Detroit Police Department on July 5, 1977, and promoted to her current rank on August 19, 1988.

Based on the above circumstances, it is recommended that Sergeant Loftis be charged with, but not limited, to the following violation of the Detroit Police Department Rules and Regulations:

CHARGE: CONDUCT UNBECOMING AN OFFICER; CONTRARY TO THE LAW ENFORCEMENT CODE OF ETHICS, THIS BEING IN VIOLATION OF THE DETROIT POLICE DEPARTMENT MANUAL, SERIES 100, DIRECTIVE 102.3-5.7, CONDUCT, UNPROFESSIONAL, COMMAND 3.

(ORAL ARGUMENTS INAUDIBLE IN SOME PORTIONS. Because of problems with the tape, these arguments are not verbatim.)

Atty. Fred Walker stated he was from the Lieutenants and Sergeants Association (LSA) and represented Sergeant Patricia Loftis. I had a chance to read the petition and the Chief's recommendation to this Board. There are a couple of things I would like to say in regards to Sgt. Loftis and the allegations and mistruths concerning two things, the assumption of excessive use of sick time and unauthorized outside employment. The excessive use of sick time between January and June 2004 is not the crux of the matter. He noted emphatically that her work attendance during nine and half years prior to January 2004 was perfect. And subsequent to June 2004 it hasn't been perfect. There was an issue during that time where she was put on DPD 350 status, and he asserts that that is not the essential issue here. From his understanding, it is the continued unauthorized outside employment. This creates a very tough situation for us. She has twenty-three years, however, of employment with the Department; she has no disciplinary history. It is my understanding, from speaking with Sergeant Loftis, that her commander is probably happy with her work performance, as well as other supervisors with like mind. He knows that the direct order that was given to her to not continue with outside employment, was given by the head of Internal Affairs, as opposed to the order being given to her by her command. He thinks this says something about her situation. He never heard about an agent and not the commander addressing the situation. She has informed me that her commander has given her a direct order to medical. Another thing he found is that or asserts to the Board is that her outside employment has not affected her police duties in any way. As he stated, she has twenty-three years on the job. She dearly loves working with the Department and would dearly love finishing that job out, and in her case, finishing her career out. She is very concerned about this. She is not here tonight only because she is out of town. This came out very quickly and she had no way of knowing that this was going to be heard tonight. He asks only that you consider, in extending the officer to you, with firing a supervisor of twenty-three years with no disciplinary history that it should rise to the level of felony or some comparable or firing offense. And given her otherwise twenty-three years of service, he asks that the Board not to act on this now. There is a trial board scheduled for next week, at which a myriad of charges and specifications related to these allegations—a great many—and they will have to address those. So, he asks the Board to start allowing them to address those through that procedure, and to allow her to continue her employment in the meantime, primarily based on the good

service and the continued good service she looks forward to giving now. He knows that the issues they are dealing with may make some problems for us, but she has a good service with the Department and the city and on that basis, he asks that she be allowed to continue with her remaining years.

Atty. Nancy Ninowski from the City Law Department represented the Detroit Police Department. The issue before you this evening is whether conduct is egregious to warrant the suspension without pay of Sgt. Loftis' duty status. I am not going through the facts with you because you have a detailed report containing the petition that the department has submitted a summary that has been read into the record. But, what this case is not about is, unauthorized outside unemployment. What this case is about is, a supervising officer in the Detroit Police Department, who blatantly and repeatedly disobeyed a direct order from a commander officer to cease outside employment until proper authorization was received from the Chief of Police. The Detroit Police Department is a paramilitary organization, as such; there are rules, regulations and orders that you have to follow. We all know that police officers are held to a higher standard of conduct because of the job that they perform, in the name of public trust and trust in the department. Similarly, supervisors are held to a higher standard and are more accountable for their actions because of the public trust and trust of the department. Here, we have a supervisor, who received a direct order on more than one occasion from a command officer in this department, who disobeyed that order blatantly and repeatedly. And, that brings two issues. One, it brings an issue of trust. As I said, the department is based on rules and regulations. We trust the officers to abide by and enforce the rules and regulations, just as we trust them to enforce the law, make arrests, prosecutions and etc. How can we trust a supervisor to enforce the rules and regulations when she can't even follow the rules, regulations or a direct order? This is not egregious conduct, does that mean that officers and supervisors do not have to follow the rules, regulations and orders and that they can do whatever they want to. Other than the issue of trust, there is also an important issue of safety. Sgt. Loftis is employed or is employed by the Transportation Security Administration, she works full-time a day and she also works full-time for the DPD. She is a patrol supervisor at the Eighth Precinct, which is one of the busiest precincts in this city. She is responsible for supervising thirty-one (31) police officers, who are on the street to protect the citizens of the community. She responds to runs and she provides backup so, how can she do that effectively when she is working full-time at two (2) places. The Department would respectfully request that you approve the Chief's recommendation to suspend Sgt. Loftis' duty status.

Chairperson Blackwell asked if the proper authorization was received, would she have been able to continue? Is that correct?

Atty. Ninowski stated correct.

Chairperson Blackwell asked what if proper authorization wasn't received?

Atty. Ninowski stated the with current collective bargaining agreement, officers can only work 30 hours at an outside employment. She is working 40 hours.

Chairperson Blackwell asked even if you approved it?

Atty. Ninowski stated you still need authorization.

Chairperson Blackwell asked you are not allowed to work over 30 hours?

Atty. Ninowski stated correct, you are not allowed to.

Chairperson Blackwell is this a violation of the agreement?

Atty. Ninowski stated correct, it is.

Chairperson Blackwell stated I certainly don't want to look down on anybody, who is working two jobs. The issue is, are the jobs that they are working going to affect the job that we hired them to do in the city of Detroit. You mentioned that it is very difficult for her to be able to work full-time as a patrol supervisor and do the job that she is expected to do of a patrol supervisor. I guess the issue is, there are people that do receive authorization to work outside employment. The question is, are the people that received authorization to do outside employment up to 30 hours, are in the rank of a supervisory position. The second issue is, if this person was working 30 hours and she had sought the proper authorization, would then at least something can direct responsibility.

Atty. Ninowski stated again, this case is about disobeying a direct order repeatedly and blatantly. It is not about unauthorized outside employment.

Chairperson Blackwell asked if someone had sought proper authorization, whether they were asked to cease and desist until they receive proper authorization. So if they had complied and agreed to work 30 hours, would they have possibly been given proper authorization?

Atty. Ninowski stated that will be a discretion of the Chief of Police.

Chairperson Blackwell stated whether you noticed some officers are getting permission to work at other jobs.

Vice-Chairperson Ramirez stated correct.

Chairperson Blackwell stated the issue is people are trying to make ends meet. The question is, if people want to seek outside employment, is there a protocol? If there is a protocol, has it been clearly established? He if this person, who was ordered to stop, clearly when they found out that they weren't fired immediately, they were told to stop. So, they were given an option?

Atty. Ninowski stated correct.

Chairperson Blackwell stated and they didn't obey the directive.

Atty. Ninowski stated correct.

Chairperson Blackwell asked are you saying that this was done repeatedly?

Atty. Ninowski stated correct.

Chairperson Blackwell stated if this if this happened in the first two or three years of employment because somebody worked 21 years without a bad record and all of a sudden they just decided to be on standard and for me I am not saying that's not true. I am just trying to figure out why. Now, the thing I do now is that people are trying to make ends meet. So, somebody that is doing the job one place and doing it great and at least not getting any kind of any disciplinary action at another place. I have two issues. Issue one, is it (inaudible) for a commanding officer to work more hours than the contractual hours. And, therefore, they violated their responsibility as an officer. In this particular case it was a supervisor. When you first said this is not about the unauthorized employment, this is about disobeying a direct order. Is that the just of what you said?

Atty. Ninowski stated that's correct.

Chairperson Blackwell stated I know it is the Chief's discretion. He asked are you saying if this person had obeyed, they would at least have the opportunity to be here for only 30 hours a week?

Atty. Ninowski stated correct. There is negotiated protocol in the collective bargaining agreement for outside employment. Secondly, I have been advised by the commanding officer of the Eighth Precinct, that there was a request. There was a request from Sgt. Loftis for outside employment and that was denied.

Chairperson Blackwell asked so she did request it?

Atty. Ninowski stated she requested it after September 20, 2004.

Chairperson Blackwell asked when was the order to cease and desist?

Atty. Ninowski stated the first order was on September 20, 2004.

Chairperson Blackwell asked when did she ask for it?

Atty. Ninowski stated I believe it was September 21, 2004.

Chairperson Blackwell asked the day after?

Atty. Ninowski stated the day after, correct.

Chairperson Blackwell asked isn't that pretty quick?

Atty. Ninowski asked to submit an application?

Chairperson Blackwell stated no. He asked are you're saying stop doing that and then come and ask you can I do it. Maybe it was presented then, like there was a big separation. I guess some of them were told to stop doing it on the 20th, from your testimony, but on the next day they came and asked could they do it?

Atty. Ninowski stated I will say that the second order to discontinue outside employment was given on October 26, 2004.

Chairperson Blackwell asked was it pending at the time?

Atty. Ninowski asked do you mean the application?

Chairperson Blackwell stated yes.

Atty. Ninowski stated no, the application had already been denied.

Chairperson Blackwell asked so submitting on the day after this person was to not to not to work anymore. He asked was that done within a week?

Atty. Ninowski stated within a week or two weeks?

Chairperson Blackwell asked is that the general protocol?

Atty. Ninowski stated yes.

Vice-Chairperson Ramirez asked has she been working this since the year 2000?

Atty. Ninowski stated 2002.

Vice-Chairperson Ramirez asked was working there part-time?

Atty. Ninowski stated she was working as a full-time transportation security administrator.

Vice-Chairperson Ramirez asked when did the commander or anyone realize that she was working?

Atty. Ninowski stated not until there was a sick time issue in May 2004 and an investigation was started and that is when the issue regarding outside employment was (inaudible).

Vice-Chairperson Ramirez asked before then they didn't see that there was a (inaudible)?

Atty. Ninowski stated yes. As far as, I knew, she did not.

Vice-Chairperson Ramirez asked has been on the job for 23 years?

Atty. Ninowski stated that is correct.

Comm. Holley asked I am supposed to be happy when I am paying an officer to do her job and they call in sick and they are working somewhere else?

Chairperson Blackwell stated I don't know if we had established that.

Comm. Holley stated she was using excessive sick time and you are on the other job....

Chairperson Blackwell stated that is what was being investigated. (inaudible)

Atty. Ninowski stated Comm. Holley you are correct.

Chairperson Blackwell asked are you saying that this...?

Atty. Ninowski stated that's what triggered the investigation.

Chairperson Blackwell stated I am saying investigation, you are saying they, this is not the reason for this particular being in front of us today because of the sick time.

Atty. Ninowski stated that's right. We are talking about what triggered the investigation.

Chairperson Blackwell stated we are not talking about what triggered the investigation; we are talking about what they found. And, what they found was

(inaudible) disobeying orders. The question, Rev. Holley is, your point is right. Nobody should be able to work outside of their police job.

Comm. Holley stated as long as they are not taking my time and working for somebody else.

Chairperson Blackwell asked has that been established?

Vice-Chairperson Ramirez stated no.

Comm. Holley stated if we let officers do what they wanted to do, we would have chaos here.

Chairperson Blackwell stated I am trying to establish what the protocol is.

Atty. Ninowski stated with respect to the rules, regulations and orders this is a para-military organization. You are here to follow the rules and orders while you are here.

Chairperson Blackwell asked if somebody works outside employment, pursuant to our rules, they need to get permission here?

Atty. Ninowski stated correct.

Chairperson Blackwell stated so that means that anybody that questions the issue, is not going to get a job before they (inaudible). Is that what you are telling me?

Atty. Ninowski stated they should not.

Chairperson Blackwell asked do we have any cases where they already worked in those cases?

Atty. Ninowski stated I don't have knowledge of cases of that nature.

Chairperson Blackwell asked does that infer that these people are asking for permission prior to taking another job?

Atty. Ninowski stated yes.

Chairperson Blackwell (inaudible)

Atty. Ninowski stated on October 19, the application was filed.

Chairperson Blackwell asked so it was a month after?

Atty. Ninowski stated correct.

Chairperson Blackwell stated I just have a real issue about people, who work good for us for 20 years and all of a sudden they are an outcast. I have an issue with that. I really need to know more about what went out. I guess, today I don't want to fight this issue because the Chief feels that this is important in terms of making changes. This is important. The issue is we need to know more about it. So, what I would like, and I would direct this to the Chief, is if we could know a little bit more about the outside employment issue. Is it encouraged or discouraged? What is allowable and what is not allowable? What is the procedure for when it is approved or denied? Is it discretionary? Is it systematic? It is important to know these things.

Atty. Ninowski stated we will be very happy to report back to you on the outside employment issue.

Chief Bully-Cummings stated this is not an issue about outside employment at all. The department policy and the collective bargaining agreement make it very clear that, with the exception of very few jobs, which are establishments that are regulated by the Detroit Police Department, police officers on this department could work anywhere, and all they have to do is put in a request for outside employment. That is not the issue here. The issue is, you have a sergeant that is responsible for providing leadership to officers on patrol. What the sergeant essentially did was disobey a direct order. And, with 20 years on the job, it has not changed because 20 years ago, you had to get permission from the Chief of Police to work an outside job. It has not changed; it has always been that way. The difference is that, one point in history it was a limit of 20 hours per week and now it is 30 hours per week. With supervisors being the frontline supervision on the streets, directing and leading police officers and if she cannot follow the rules herself, how can she lead the patrol officer on the street. And, for me that is a very very serious issue when I and other members in the department have to rely upon sergeants and lieutenants to lead the police that are on patrol.

Chairperson Blackwell asked what was the egregious issue with you, was it because she was working without approval or the fact that when she was told that, she didn't obey?

Chief Bully-Cummings stated it is a couple of different factors. One, she was working without approval. Secondly, she disobeyed several direct orders. Thirdly, her outside employment application was denied because of excessive sick time usage.

Chairperson Blackwell stated on the record tonight, we have said what way the cookies are going to crumble. So, it should crumble the same way for everybody? Is that correct?

Atty. Ninowski stated correct.

Unless contravened by this Commission, the above suspension without pay will stand.

Vice-Chairperson Ramirez (inaudible contravened).

Chairperson Blackwell stated we have one contravention from Comm. Ramirez.

IMPORTANT DATES

Please note the following:

- The Board of Police Commissioners' will hold their Thursday meeting on ***Tuesday, November 23, 2004***, due to the Thanksgiving Day holiday.

OFFICE CLOSINGS

The Board of Police Commissioners Office and the Office of the Chief Investigator will be **closed** on the following dates:

- Thursday, November 11, 2004, in observance of Veteran's Day.
- Thursday, November 25, 2004, and Friday, November 26, 2004 in observance of Thanksgiving Day.

CITIZEN COMPLAINTS RECEIVED

	<u>This Week</u>	<u>Year to Date</u>
2004 - Weekly Count of Complaints:	21	1,398
2003 - Weekly Count of Complaints:	27	1,113

- ◆ 1st Precinct 100

♦ 2 nd Precinct	132
♦ 10 th Precinct	34
♦ 11 th Precinct	<u>53</u>

Total: 319

Police/Community Intervention



TAKING THE GUNS OFF THE STREET !



Total Guns Confiscated
Year-To-Date
3,740

THIRD PRECINCT

On November 4th, officers of the 3rd Precinct responded to an “Armed Robbery in Progress” in the 9100 block of Witt. The officers received a description of the vehicle and the two (2) men wanted for the robbery. As a result of their investigation, the two (2) men were located and arrested without incident. Confiscated was a .22 caliber rifle.

FIFTH PRECINCT

On November 6th, officers from the 5th Precinct while on patrol in the 6100 block of University, observed a man loitering in the parking lot of the Boston Chicken restaurant, which was closed. The investigation resulted in the arrest of the man for “Carrying a Concealed Weapon–Person.” A handgun was confiscated.

SIXTH PRECINCT

On November 3rd, officers from the 6th Precinct responded to the 11000 block of St. Marys to assist at a "Family Trouble" run. Upon arrival, the officers immediately recognized a man at the location, as one wanted in the connection with a non-fatal shooting that occurred in October 2004. He was subsequently arrested without incident.

NINTH PRECINCT

On October 26th, Don's Quality Meats, located at 14821 E. Seven Mile, was burglarized. Due to the assistance of a witness, a description of the man wanted for the burglary was obtained. On November 4th, officers of the 9th Precinct set up surveillance in the area of the business. The wanted man was observed at the rear of the location. He was arrested for "Breaking and Entering Business." He confessed to burglarizing the business on two (2) occasions.

ELEVENTH PRECINCT

On November 6th, officers of the 11th Precinct responded to the 18000 block of Shields on a "Vehicle Stripping in Progress" run. Due to the officers' quick response, the officers observed the men removing parts from a vehicle. One (1) man was arrested for carjacking; the other man escaped in a vehicle. On November 7th, the second man was arrested by officers of the 6th Precinct.

TWELFTH PRECINCT

On November 1st, officers of the 12th Precinct responded to Comerica Bank, located at 18900 Livernois, on an "Armed Robbery Just Happened." Upon arriving on scene, the officers received a description of the vehicle and the direction of escape from citizens. As a result of an investigation, a man and a woman were arrested for bank robbery, and the stolen money was recovered.

Chief of Police Ella M. Bully-Cummings

6. PRESENTATION – SIXTH PRECINCT

Cmdr. Richard Shelby gave a brief history and overview of the Sixth Precinct and its current initiatives.

7. QUARTERLY AWARDS – PUBLIC INFORMATION

2nd DC James Tate presented Quarterly Awards to the following:

Civilians

Ms. Annette L. Day , Ms. Sheila Gardner, Ms. Deborah Pasha, and Ms. Tonya Pozey.

Investigators

Sgt. Anthony Topp, Inv. Lee Dyer, Inv. Latunya Moses, and P.O. Linda Whitfield

Police Officers

PO Mark Ford, PO Michael Choukourian, PO Brain Gadwell, PO Delicia Anderson, PO Darryl Robinson, PO Kerry Byars, PO Solomon Bills, PO Charles Staples, PO Kenneth Johnson, PO Everett Richardson, PO Edward Brannock, PO Matthew Guigar, PO Jonathan Bibbs, and PO Curtis Rhodes.

9. APPROVAL OF GENERAL ORDER

• **DIRECTIVE 305.2: DETAINEE REGISTRATION**

MOTION: **Comm. Ramirez** made the motion to approve the General Order (Directive).

SECOND: **Comm. Holley** seconded the motion.

VOTE: All in attendance voted in the affirmative.

10. OTHER BUSINESS

Dir. E. Lynise Bryant-Weekes gave a brief overview of the Recruiting Fair that was held on Saturday. She also stated that there were over 700 participants and now we are trying to process those applications. She also asked everyone to keep Valerie Hillery and her family in your thoughts and prayers because she suffered a lost of a loved one when her 92 year old grandmother was murdered.

11. ANNOUNCEMENT OF NEXT MEETING

Thursday, November 18, 2004 @ 3:00 p.m.
Police Headquarters
1300 Beaubien, Rm. 328-A

Detroit, MI 48226

12. ORAL COMMUNICATION FROM THE AUDIENCE

Thomas Wilson stated I am the President of the Eight Precinct Community Relations. He voiced his concerns in regards to the proposals that were passed and citizens should be able to decide if they want to spend their tax dollars on the new location for police headquarters.

Tawana Morris commended the DPD officers for their good work.

Carolyn Chambers stated I am the President of the Sixth Precinct Community Relations. She welcomed the new staff to the Sixth Precinct and stated they are very innovative and professional.

11. ADJOURNMENT

The meeting was adjourned at 8:23 p.m.

Respectfully submitted,

DANTE' L. GOSS
Executive Director
Board of Police Commissioners

DLG/kdw